

ORIGINAL

JOHN HARRIS PAER #1551-0  
41 B Kepola Place  
Honolulu, Hawaii 96817  
Telephone: (808) 595-7179  
Facsimile: (808) 595-3918  
email: paerj001@hawaii.rr.com

FILED in the  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

Oct 30 2008

at 1 o'clock and 15 min. 1 M  
SUE BETTA, CLERK

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

JOAN JARRETT,

Plaintiff,

vs.

OXFORD COLLECTION AGENCY, INC., )

Defendant.

CIVIL NO

COMPLAINT; SUMMONS

CV 06 005 82

JMS  
KSC

## COMPLAINT

COMES NOW Plaintiff, by and through her undersigned attorney and alleges as follows:

## INTRODUCTION

1. This Complaint is filed and these proceedings are instituted under the "Fair Debt Collection Practices Act" 15 U.S.C. Section 1692, et seq., to recover actual and statutory damages, reasonable attorney's fees and costs of suit by reason of the Defendant's violations of that Act. Plaintiff seeks actual and statutory damages arising out of Defendant's misrepresentations and failure to make required disclosures in the collection of an alleged debt.

### JURISDICTION

2. The jurisdiction of this Court is invoked pursuant to 15 U.S.C.A. Section 1692k(d) and 28 U.S.C.A. Section 1337. The supplemental jurisdiction of this Court is invoked over Count II of the Complaint, which arises under Chapters 443B and 480 of the Hawaii Revised Statutes.

### PARTIES

3. Plaintiff is a natural person and is a resident of the State of Hawaii.

4. Defendant is a corporation doing business in the State of Hawaii as a collection agency and debt collector, and is subject to the jurisdiction of this Court.

### FACTS

5. Within the year prior to the filing of this action, Defendant has been attempting on behalf of a third party to collect an alleged debt from Plaintiff.

6. On or about August 21, 2006, an employee and agent of Defendant called Plaintiff at her place of employment and attempted to collect an alleged debt.

7. Plaintiff told Defendant that she was at work and could not discuss this matter.

8. Thereafter, Defendant continued to call Plaintiff numerous times at work in an attempt to collect this alleged debt over the next two months, despite Plaintiff's repeated protest that she was unable to discuss this matter at work.

9. During this period, Defendant called Plaintiff's place of employment, and spoke with at least one of Plaintiff's co-workers regarding the alleged debt.

10. Plaintiff had never received anything in writing from Defendant and had requested several times that Defendant send her a letter, but Defendant refused.

11. Defendant never sent Plaintiff any written communication regarding the alleged debt.

12. The underlying debt was incurred primarily for personal, family, or household purposes.

13. Defendant is registered as a collection agency with the State of Hawaii, but does not have the bond required by Hawaii law.

#### COUNT I

14. Plaintiff realleges and incorporates paragraphs 1 through 13 of this Complaint.

15. Defendant has violated the Fair Debt Collection Practices Act in the following ways:

(a) Defendant has used false, deceptive and misleading misrepresentations in connection with the collection of the above claim in violation of 15 U.S.C. §1692e.

(b) Defendant has used unfair means to collect and to attempt to collect the above claim in violation of 15 U.S.C. §1692f.

(c) Defendant has not sent to Plaintiff the proper notices and/or verifications required by the Act in violation of 15 U.S.C. §1692g.

(d) Defendant has violated 15 U.S.C. §1692c.

COUNT II

16. Plaintiff realleges and incorporates paragraphs 1 through 15 of this Complaint.

17. Defendant has violated Chapter 443B and 480 of the Hawaii Revised Statutes as alleged above.

18. Defendant's violations of the Fair Debt Collection Practices Act and/or H.R.S. Chapter 443B constitute unfair and deceptive acts or practices in violation of H.R.S. Chapter 480.

19. Defendant's contacts, demands and disclosures in connection with the above-described collection were immoral, unethical, oppressive, unscrupulous, and substantially injurious to Plaintiff as a consumer, and were unfair and deceptive, in violation of H.R.S. Chapter 480. The acts and representations of Defendant described herein had the capacity of deceive Plaintiff.

20. Plaintiff has suffered injury to her property in an amount to be proved at trial, by reason of Defendant's violations.

WHEREFORE, Plaintiff prays that the Court:

AS TO COUNT I

1. Award Plaintiff her actual damages as will be proved.

2. Award Plaintiff statutory damages of \$1000.00.
3. Award Plaintiff exemplary damages.


AS TO COUNT II

4. Award Plaintiff damages in the amount of three times the injury to her property, but not less than \$1000.00.

AS TO ALL COUNTS

5. Award Plaintiff reasonable attorneys' fees and costs.
6. Award Plaintiff further appropriate relief.

DATED: Honolulu, Hawaii, October 26, 2006.

  
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JOHN HARRIS PAER  
Attorney for Plaintiff